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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1589th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 March 2018, at 3 p.m.

Chair: Ms. Arocha Domínguez (Vice-Chair)

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In the absence of the Chair, Ms. Arocha Domínguez, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second and third periodic reports of the Marshall Islands (continued) (CEDAW/C/MHL/1-3, CEDAW/C/MHL/Q/1-3 and CEDAW/C/MHL/Q/1-3/Add.1)

1. *At the invitation of the Chair, the delegation of the Marshall Islands took places at the Committee table.*

Article 11 (continued)

2. **Mr. Adiniwin** (Marshall Islands) said that public hearings on the bill on minimum conditions of employment had already been held and that the text was currently before the parliament. The Government did not intend to redraft the bill at present.

3. **Ms. Rana** said that she wondered whether the State party, in the light of its constructive dialogue with the Committee, could not take the opportunity to redraft the bill with a view to bringing it into line with the International Labour Organization Equal Remuneration Convention, 1951 (No. 100) and fulfilling the State party's obligations under the Convention.

4. **Mr. Adiniwin** (Marshall Islands) said that it was still possible for Cabinet members to discuss redrafting the bill.

Article 12

5. **Ms. Chalal**, commending the State party for its achievements in the area of public health, including the eradication of lymphatic filariasis and the reduction of maternal and infant mortality rates, said that she nonetheless wondered what had become of the health-care programme set up in 1983 to address the health problems of women living on the atolls of Bikini, Enewetak, Rongelap and Utrōk who had been affected by the nuclear testing carried out by the United States of America. In particular, she wished to know whether the programme was still operating, whether it had been updated and whether it involved anything other than cancer-screening activities. She would welcome an indication of the resources that had been allocated to the programme. It would also be interesting to know whether the Government had developed and implemented gender-responsive policies and programmes to address the intergenerational effects of nuclear testing, including in women's health and other areas, as had been recommended by the Micronesian Women's Conference 2017, and, if so, what specific steps it had taken in that regard.

6. HIV prevalence was low in the Marshall Islands, but other sexually transmitted diseases were a public health problem. She therefore asked what measures the State party intended to take to combat their spread, in particular among teenagers and sex workers, and to enhance efforts to ensure that women were aware of their sexual and reproductive rights. She also asked whether it intended to offer greater access to voluntary, confidential screening for sexually transmitted diseases.

7. She wished to know whether the State party had plans to legalize abortion in cases of risk to the mother's life or health, foetal malformations and pregnancies resulting from rape or incest. Similarly, she wondered whether the authorities had information on the number of unsafe abortions performed in the State party and of the role such abortions played in women's health and maternal mortality.

8. In view of the State party's scattered population, the concentration of its doctors in urban areas and the difficulty of getting from one island to another by public transport, she asked what measures were taken to ensure that women and girls had access to prenatal health services. In the same connection, she wondered whether a new policy or strategy had been developed in the wake of the National Reproductive Health Policy/Strategy 2014–2016 and what lessons had been learned during the implementation of the Policy/Strategy.

Lastly, she would welcome a comment on the reasons for the high rate of teenage pregnancy and the drop in the use of contraceptives in the State party.

9. **Ms. Wase-Jacklick** (Marshall Islands) said that the cancer prevention programme set up to address health problems caused by nuclear testing was ongoing. Cancer screening was available not only at the two urban health centres but also, through flying squads that arrived once a year, at a total of 49 active health centres on the outer islands. All primary health-care services were provided by the flying squads. Under the 177 Health-Care Programme, to which Ms. Chalal had referred, health-care services were provided on the four atolls affected by nuclear testing and in Majuro, the capital. A survey of sex workers, facilitated by the NGO Women United Together Marshall Islands and the Global Fund to Fight AIDS, Tuberculosis and Malaria, would serve as a point of departure for efforts to combat the spread of sexually transmitted diseases.

10. **Ms. Heikena** (Marshall Islands) said that the authorities were developing a system to monitor progress towards implementation of the recommendations made at the Micronesian Women's Conference 2017.

11. **Ms. Wase-Jacklick** (Marshall Islands) said that there had been no reports of abortions between 2015 and 2017. Abortion was accessible if it was deemed medically necessary. A plan on adolescent sexual health was in place, but it had not yet undergone its annual update. The activities organized as part of the plan were ongoing, however.

Article 13

12. **Ms. Jahan** said that she wondered whether women in the State party were able to benefit from what appeared to be a relatively robust social security and pension system, given that they were less likely than men to have paid into the system in the first place. It would be interesting to know, for example, whether women with disabilities and older women received benefits under the system; whether women were recognized as heads of household for benefit purposes; whether retired part-time workers were entitled to pension payments; and whether recent reforms to the social security system had introduced a gender-sensitive approach to addressing the needs of beneficiaries.

13. It would also be interesting to know what measures were in place to ensure that women, in particular those from lower-income groups, had access to financing and to technical assistance or advice in respect of financial literacy and capacity-building. In the same vein, she would welcome an indication of any efforts to create income-generating opportunities for women on the outer islands by providing training or access to farm or small-business loans. An indication of whether the authorities had expanded the number of outlets for the goods or services offered by such women would also be welcome. In addition, she wished to know whether poverty-reduction strategies focused on women and what special benefits women affected by the intergenerational impact of nuclear testing were entitled to.

14. She likewise wished to know whether the Marshall Islands had built on the individual success of one of its female weightlifters to encourage girls and women to participate in sports and other recreational activities on the outer islands. Similarly, she wondered whether girls and women had access to fitness clubs or social groups that organized physical activities that could help prevent diabetes, to which the State party's girls and women were particularly susceptible.

15. **Mr. Adiniwin** (Marshall Islands) said that a trust fund of $150 million had been set up under section 177 of the Compact of Free Association between the United States and the Marshall Islands. However, the annual proceeds generated by the fund had been much less than expected owing to the financial crisis of the late 1990s and, after drawdowns to pay compensation to the victims of nuclear testing, the fund had been depleted. In 2000, the Government had submitted a petition to the United States Congress regarding the circumstances that had led to the fund's depletion. A response was still awaited.

16. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that the public school system had assumed oversight of the Sports and Recreation Division in 2018 and that a new physical education curriculum would shortly be in place in all the country's schools. Organized

sports were not practised on the outer islands, as there was little space and a lack of facilities. Sports were nonetheless practised informally.

17. **Ms. Helkena** (Marshall Islands) said that one of the priorities identified in the outcome document produced by the recent Micronesian Women's Conference was promoting the economic empowerment of women. Against that backdrop, officials connected with Pacific Women Shaping Pacific Development, an initiative of the Government of Australia, had visited the Marshall Islands as part of a study on women in agriculture. They had also conducted a study of gender-based violence in the Marshall Islands. It was hoped that those studies would lead to the development of programmes and services for women and girls on the outer islands.

18. **Mr. Adiniwin** (Marshall Islands) said that only employed persons and self-employed persons who made contributions to the system, such as copra producers, were entitled to social security benefits. He did not know whether part-time workers were entitled to benefits. The Social Security Act of 1990 had recently been amended because it had been necessary to increase contributions from working people while cutting the payments made to retirees. In 2017, the Bank of Marshall Islands had extended credit for microenterprises to 7 women and 25 men in urban centres and to 9 women and 10 men in rural areas.

19. **Ms. Jahan** said that what she wished to know was how the Government ensured that the social security system took into consideration the specificities of women, many of whom either did not contribute to the system or did so for a comparatively short time. In particular, she wondered what benefits older women who had not contributed to the system were entitled to.

20. **Ms. Helkena** (Marshall Islands) said that further information on the social security system would be provided in writing in due course.

Article 14

21. **Ms. Gabr** said it was her understanding that customary land rights in the Marshall Islands were based on matrilineal succession and that, traditionally, women had therefore had a measure of influence in decision-making. In practice, however, authority was commonly delegated to men representing the clans. That situation was detrimental to the status of women in rural areas and she wondered how the authorities planned to address it.

22. She would like to know what measures the Government planned to adopt to address the lack of basic social and medical services and personnel in the outer islands, which, according to the information received by the Committee, was attributable to poor infrastructure. She would also like to know whether there were any plans to provide training for women in the outer islands, to carry out train-the-trainer programmes or to make use of information and communication technologies to meet needs. For example, did the authorities plan to carry out financial literacy programmes or training in non-farm skills to support women living in remote parts of the country? And were there any plans to provide them with access to credit? She pointed out that the Committee's general recommendation No. 34 (2016) on the rights of rural women could provide valuable guidance in that context.

23. She wondered how the Government intended to address the lack of a constitutional provision banning discrimination on the grounds of disability. It would perhaps be useful to conduct an assessment of the activities carried out under the National Policy on Disability Inclusive Development Action Plan 2014–2018. The Committee would like to hear what role the Disability Coordination Office played in representing the interests of persons with disabilities in the fields of employment and education. In addressing the situation of women in vulnerable situations, the State party should refer, inter alia, to the Committee's general recommendation No. 27 (2010) on older women and protection of their human rights.

24. The Marshall Islands faced severe risks in respect of climate change. The Committee would therefore like to find out how the State party incorporated the gender perspective into its national disaster relief and recovery strategies and risk and disaster management activities, and, specifically, what role women would play in the review and update of the

Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management 2013–2018. She drew the delegation's attention to the fact that the Committee was about to adopt a general recommendation on the subject of the gender-related dimensions of climate change and disaster risk reduction.

25. **Ms. Wase-Jacklick** (Marshall Islands) said that, for the short term, the authorities were providing health services to women in the outer islands through missions carried out by nursing staff. However, the Ministry of Health, in partnership with the College of the Marshall Islands, had established long-term goals entailing the recruitment and training of nurses, and specifically female nurses, for further training and assignment to outer-island communities for longer periods. The Ministry was seeking avenues to improve the provision of health services in remote areas by increasing pay to elicit more interest in such positions. It had recently invested in eight demand assigned multiple access (DAMA) satellite communications posts, equipped with phone, fax and computer equipment. Such equipment was essential to replace high-frequency radio links with urban centres, as the latter afforded no confidentiality to patients. Use of the DAMA equipment should result in improved screening and triage, thus preventing deterioration in the health status of patients. Hopefully, more satellite communication posts would be added in the future.

26. **Mr. Adinwin** (Marshall Islands) said that, in 2017, the Government had launched the One Island One Product programme, which supported the production and marketing of locally made goods with a view to providing people with a means of livelihood. The Government was also in the process of identifying a number of outlying areas for the development of tourism activities. One site, which was renowned for surfing, had already been developed in 2016.

27. **Ms. Helkena** (Marshall Islands) said that women and girls, including those living with disabilities, had participated in a recently held national consultation on disaster and risk management and climate change. One of the aims of the consultation had been to review and, when necessary, to revise some of the related action plans. A final implementation plan was expected to be issued in the near future.

28. The role of the Disability Coordination Office was to monitor and ensure implementation of the provisions of the Convention on the Rights of Persons with Disabilities. The authorities had adopted an implementation plan and had translated the Convention into Marshallese. The Office was currently not staffed, but a job announcement had been issued. Discussions had been held in recent months with a view to extending social security benefits not only to older women but also to women working in the production of handicrafts.

Articles 15 and 16

29. **Ms. Hayashi**, noting that, under the Child Rights Protection Act and the Births, Deaths and Marriages Registration Act, the legal age for marriage was 18 but that a section of the latter Act exempted customary marriages from the minimum age requirement, asked where there was any legislative guarantee that women were free to choose their spouses and entered into marriage only with their full consent. The Committee would also like to know whether the State party intended to remove the section establishing the minimum age exemption. In its replies to the list of issues (CEDAW/C/MHL/Q/1-3/Add.1), the State party mentioned that customary marriages often took place when young women became pregnant and that such unions were sometimes forced marriages, which resulted in difficulties in sustaining their relationship for the couple. What concrete measures had been taken to combat the phenomenon of forced marriage?

30. The Domestic Relations Act included a provision establishing that the law did not apply to the annulment of customary marriages, and the authorities had recognized that the coexistence of customary and legal marriage made it difficult to determine the divorce rate with any accuracy. Had the authorities engaged in dialogue with religious and community leaders and women's rights groups to encourage legal marriage? Under the Act, divorce was fault-based and proof of a matrimonial offence such as adultery or desertion was required. In many countries, women faced difficulty in meeting such criteria when attempting to divorce their abusive husbands. The Act also allowed for the defence of

forgiveness, whereby the grounds for divorce could be forgiven by the injured party. In her understanding, in many circumstances women claimed that they forgave their husbands owing to financial, cultural or social pressure or constraints. Had the authorities conducted any studies of the impact of fault-based divorce, and did they intend to amend the law to provide for non-fault divorce? She had received indications that the burden of proof was currently not equally applied to men and women.

31. The Committee would like to find out whether women enjoyed equal rights to custody of children in the event of divorce. According to the replies to the list of issues, separated or divorced women often did not seek child support from their children's fathers owing to negative stereotypes. It would be useful if the delegation could describe any awareness-raising activities that had been undertaken to transform perceptions about child support and enhance the sense of responsibility of fathers, and if it could outline any enforcement mechanisms for the provision of child support for women.

32. **Ms.** Karina **Debrum** (Marshall Islands) said that data relating to divorce, separation and custody were difficult to obtain, especially because the country's culture placed importance on the extended family. The issue was culturally sensitive. The Gender and Development Office, the Child Rights Office and the Disability Coordination Office had been working to build capacity to improve data collection in a manner that would allow citizens to have sufficient confidence in the resulting information. A revision of the Domestic Relations Act would hopefully be part of the forthcoming legislative review. The points raised by the Committee would be addressed in that process. The Gender and Development Office served as the enforcement mechanism for such matters.

33. **Ms. Hayashi** said that the Committee would like to know whether the repeal of fault-based divorce would be included as part of the revision package.

34. **Mr. Adiniwin** (Marshall Islands) said that the Domestic Relations Act had last been revised in 2002. It was indeed probably time to revise the law. The delegation took note of the need to change its provisions and would inform the authorities in the capital.

35. **Ms. Heikena** (Marshall Islands) said that the delegation had benefited from the constructive dialogue with the Committee and that it had thus obtained a better road map for further implementation of the country's obligations under the Convention. The country faced many challenges, including climate change and the nuclear legacy, and it was devoted to making steady progress for the benefit of Marshallese women and girls.

36. **Ms. Gabr** said that the Committee sincerely hoped that the authorities would make good use of its concluding observations to expedite changes in the country's Constitution and laws.

The meeting rose at 4.15 p.m.